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STEVEN K BUNTING PC

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## BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

In re claim of:

**FILED**  
 WORKERS' COMPENSATION COURT  
 STATE OF OKLAHOMA  
 May 16, 2007  
 Robert L. Tharp  
 COURT CLERK

IN THE MATTER OF THE DEATH OF:

ELEAZAR TORRES	)	
Deceased	)	
	)	
AMALIA DIAZ	)	Court Number: 2007-03253A
Claimant	)	
	)	
CINTAS CORP	)	
Respondent	)	Decedent's Social Security
	)	Number: 561-41-0756
XL SPECIALTY INSURANCE CO	)	
Ins. Carrier	)	

ORDER DETERMINING COMPENSABILITY AND AWARDING DEATH BENEFITS

Now on this 15th day of MAY, 2007, this cause came on for consideration pursuant to regular assignment and hearing on MAY 10, 2007, before JUDGE KENTON W. FULTON, at Tulsa, Oklahoma, at which time the claimant appeared in person and by counsel, J L FRANKS and respondent and insurance carrier appeared by counsel, STEVEN K BUNTING.

The Court, having considered the evidence, records on file, and being well and fully advised in the premises, FINDS AND ORDERS AS FOLLOWS:

- 1 -

THAT on MARCH 6, 2007 the deceased, ELEAZAR TORRES, was in the employ of the above named respondent, engaged in an occupation subject to and covered by the provisions of the Workers' Compensation Act of the State of Oklahoma; and that on said date ELEAZAR TORRES sustained an accidental personal injury arising out and in the course of deceased's employment with the respondent, from and as a result of which the deceased died on MARCH 6, 2007.

- 2 -

THAT no personal representative has been appointed for the estate of the deceased, but this action is brought by AMALIA DIAZ the SURVIVING SPOUSE of the deceased and she/he is the proper party to bring such action.



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THAT the deceased is survived by the following dependent heirs-at-law:

AMALIA DIAZ, surviving spouse of the deceased;

EDGAR TORRES, minor child of the deceased, DECEMBER 30, 1993, date of birth;

ANGEL TORRES, minor child of the deceased, SEPTEMBER 19, 1999, date of birth;

THE ABOVE are the only person(s) who were dependent upon said deceased at the time of death and THE ABOVE and no other or others, who are heirs-at-law, have suffered a pecuniary loss by reason of the death of ELEAZAR TORRES.

- 4 -

THAT AMAILIA DIAZ is appointed guardian ad litem of EDGAR TORRES and ANGEL TORRES, said minor children of the deceased; and said AMAILIA DIAZ shall serve as guardian ad litem without bond and without compensation for services rendered in such capacity.

- 5 -

THAT by reason of the death of ELEAZAR TORRES, as a result of the injury sustained on MARCH 6, 2007, the respondent herein is liable for payment of the benefits provided by law in such cases, same being as follows:

- TO: AMALIA DIAZ, surviving spouse of the deceased, the sum of \$100,000.00 to be paid in a lump sum;
- TO: EDGAR TORRES, minor child of the deceased, the lump sum of \$25,000.00 to be placed in trust in the ARVEST BANK (MEMORIAL & 2ND ST, TULSA), for the sole use and benefit of said minor child;
- TO: ANGEL TORRES, minor child of the deceased, the lump sum of \$25,000.00 to be placed in trust in the ARVEST BANK (MEMORIAL & 2ND ST, TULSA), for the sole use and benefit of said minor child.

- 6 -

THAT the funds placed in trust with the ARVEST BANK (MEMORIAL & 2ND ST, TULSA), as set forth above, are not to be withdrawn by any party or disbursed from said bank without express permission, by written order of this Court, provided however, that upon reaching eighteen (18) years of age the said child shall present to said banking institution proof of age of majority, and be entitled to payment in full of the funds so deposited.

- 7 -

THAT the continuing benefits to the said heirs-at-law of the deceased, as provided by the Oklahoma Workers' Compensation Act, shall be as follows, accrued from date of death of the deceased:

TO: AMALIA DIAZ, surviving spouse of the deceased, the sum of \$345.80 per week, of which 10 weeks have accrued in the amount of \$3,458.00.

TO: AMALIA DIAZ, mother and next friend of EDGAR TORRES, minor child of the deceased, the sum of \$74.10 per week, of which 10 weeks have accrued in the amount of \$741.00; for the sole use and benefit of said minor child;

TO: AMALIA DIAZ, mother and next friend of ANGEL TORRES, minor child of the deceased, the sum of \$74.10 per week, of which 10 weeks have accrued in the amount of \$741.00; for the sole use and benefit of said minor child.

- 8 -

THAT weekly benefits have been paid since date of death and shall continue.

- 9 -

THAT the continuing benefits provided for in this order are based on the Deceased's Average Weekly Wage, which at the time of injury was sufficient to allow the use of the maximum compensation rate allowed by law. Title 85 O.S., Section 22 (8-11).

- 10 -

THAT the respondent or insurance carrier is ordered to pay to the named heirs-at-law the benefits provided by law as set forth above. The lump sum benefits are to be made within fifteen (15) days from the date of filing of this order; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall file herein proper receipt evidencing compliance with the continuing benefits.

- 11 -

THAT the surviving spouse, AMALIA DIAZ shall notify the Court and respondent or insurance carrier immediately upon a change of marital status.

- 12 -

THAT AMAILIA DIAZ shall advise the Court when EDGAR TORRES and/or ANGEL TORRES becomes 18 years of age and whether or not EDGAR TORRES and/or ANGEL TORRES is enrolled as a full-time student in an accredited educational institution.

- 13 -

THAT the respondent and/or insurance is liable for payment of funeral expenses not to exceed \$10,000.00.

- 14 -

THAT Special Occupational Health and Safety Fund Tax of three-fourths of one percent (0.75%) of the amounts paid in lump sum of \$1,162.05 is levied against the respondent and insurance carrier; three-fourths of one percent (0.75%) of the continuing benefits awarded in this case shall be computed and paid as the same comes due.

- 15 -

THAT pursuant to Title 85 O.S. Section 93, a filing fee of seventy-five dollars (\$75.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator unless a filing fee was previously paid, within twenty (20) days from the date this order becomes final.

- 16 -

THAT claimant's attorney has waived attorney fee. Within 20 days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

/s/   
KENTON W. FULTON, JUDGE

..CRichardson

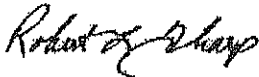
A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney: J L FRANKS  
PO BOX 799  
TULSA, OK 74101-0799

Respondent's Attorney: STEVEN K BUNTING  
15 W 6 STE 2704  
TULSA, OK 74119-5421

CC: ARVEST BANK  
218 S MEMORIAL  
TULSA, OK 74112

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.





Court Clerk  
May 16, 2007